

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 GUILLERMO NUNO,

12 Plaintiff,

13 v.  
14 D. ESLICK, et al.,  
15 Defendants.

16 ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
DEFENDANTS' MOTION TO DISMISS  
(ECF Nos. 57, 60, 70)

17 Plaintiff Guillermo Nuno is a state prisoner proceeding pro se and in forma pauperis in  
18 this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States  
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On July 25, 2023, the Magistrate Judge issued findings and recommendations,  
21 recommending that the Court deny Defendants' motion to dismiss the first amended complaint.  
22 (ECF No. 70.) The findings and recommendations contained notice that Defendants had fourteen  
23 days within which to file objections. (*Id.* at 12.) That deadline has passed, and Defendants have  
24 not filed objections.

25 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review  
26 of this case. Having carefully reviewed the entire file, the Court concludes that the findings and  
27 recommendations are supported by the record and proper analysis.

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1 Accordingly,

2 1. The findings and recommendations issued on July 25, 2023, (ECF No. 70), are  
3 adopted in full;

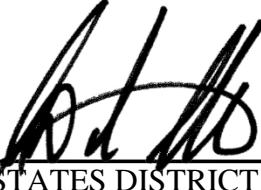
4 2. Defendants Eslick and Flores' motion to dismiss, (ECF Nos. 57, 60), is denied;

5 3. Defendants Eslick and Flores shall file a response to the first amended complaint  
6 within **fourteen (14) days** from the date of service of this order; and

7 4. The matter is referred back to the Magistrate Judge for further proceedings.

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9 IT IS SO ORDERED.

10 11 Dated: August 30, 2023



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UNITED STATES DISTRICT JUDGE